Proposed Amendments to the Constitution of Missouri and Statutory Proposition

To be submitted to the qualified voters of the State of Missouri at the General Election to be held on Tuesday, the 7th day of November, 2006.

CONSTITUTIONAL AMENDMENT 2 (Proposed by Initiative Petition)

local governments of \$0-\$68,916.

Section 3 or Article XI.

- Shall the Missouri Constitution be amended to allow and set limitations on stem cell research, therapies, and cures which will:
- ensure Missouri patients have access to any therapies and cures, and allow Missouri researchers to conduct any research, permitted under federal law;
- ban human cloning or attempted cloning: require expert medical and public oversight and
- stem cell research; impose criminal and civil penalties for any violations; and prohibit state or local governments from pre-

annual reports on the nature and purpose of

- venting or discouraging lawful stem cell research, therapies and cures? The proposed constitutional amendment would have an estimated annual fiscal impact on state and
- **NOTICE:** You are advised that the proposed constitutional amendment may change, repeal, or modify by implication or may be construed by some persons to change, repeal or modify by implication, the following provisions of the Constitution of Missouri – Sections 2, 10, 14, and 32 of Article I; Section 1 of Article II; Sections 1, 21, 22, 23, 28, 36, 39, 40, 41, and 42 of Article III; Sections 1, 14, 36(a), 37, 37(a), 39, and 52 of Article IV; Sections 5, 14, 17, 18, and 23, and subsection 17 of Section 27 of Article V; Sections 18(b), 18(c), 18(d), 18(k), 18(m), 19(a), 20, 31, 32(a), and 32(b) of Article VI; Section 9(a) of Article IX; Sections 1, 6, 11(a), 11(d), and 11(f) of Article X; and

Be it resolved by the people of the state of Missouri that the Constitution be amended:

- One new section is adopted by adding one new section to be known as section 38(d) of Article III to read as follows:
- Section 38(d). 1. This section shall be known as the "Missouri Stem Cell Research and Cures Initiative." 2. To ensure that Missouri patients have access to stem cell therapies and cures, that Missouri researchers can conduct stem cell research in the state. and that all such research is conducted safely and ethically, any stem cell research permitted under federal law may be conducted in Missouri, and any stem cell therapies and cures permitted under federal law may be provided to patients in Missouri, subject to the requirements of federal law and only the following additional limitations and requirements: (1) No person may clone or attempt to clone a
- human being. (2) No human blastocyst may be produced by fertilization solely for the purpose of stem cell research. (3) No stem cells may be taken from a human blastocyst more than fourteen days after cell division begins; provided, however, that time during which a blastocyst is frozen does not count against the fourteen-day limit.
- (4) No person may, for valuable consideration, purchase or sell human blastocysts or eggs for stem cell research or stem cell therapies and cures. (5) Human blastocysts and eggs obtained for stem
- sent, documented in writing. (6) Human embryonic stem cell research may be conducted only by persons that, within 180 days of the effective date of this section or otherwise prior to

cell research or stem cell therapies and cures must

have been donated with voluntary and informed con-

- commencement of such research, whichever is later, (a) provided oversight responsibility and approval authority for such research to an embryonic stem cell
- research oversight committee whose membership includes representatives of the public and medical and scientific experts; (b) adopted ethical standards for such research
- that comply with the requirements of this section;
- (c) obtained a determination from an Institutional Review Board that the research complies with all applicable federal statutes and regulations that the In-

stitutional Review Board is responsible for

- administering. (7) All stem cell research and all stem cell therapies and cures must be conducted and provided in accordance with state and local laws of general applicability, including but not limited to laws concerning scientific and medical practices and patient safety and privacy, to the extent that any such laws do not (i) prevent, restrict, obstruct, or discourage any stem cell research or stem cell therapies and cures that are permitted by the provisions of this section other than this subdivision (7) to be conducted or provided, or (ii) create disincentives for any person
- to engage in or otherwise associate with such re search or therapies and cures. 3. Any person who knowingly and willfully violates in this state subdivision (1) of subsection 2 of this section commits a crime and shall be punished by imprisonment for a period of up to fifteen years or by the imposition of a fine of up to two hundred fifty thousand dollars, or by both. Any person who knowingly and willfully violates in this state subdivisions (2) or (3) of subsection 2 of this section commits a crime and shall be punished by imprisonment for a period of up to ten years or by the imposition of a fine of up to one hundred thousand dollars, or by both. A civil action may be brought against any person who knowingly and willfully violates in this state any of subdivisions (1) through (6) of subsection 2 of this section, and the state in such action shall be entitled to a judgment recovering a civil penalty of up to fifty thousand dollars per violation, requiring disgorgement of any financial profit derived from such violation, and/or enjoining any further such violation. The

attorney general shall have the exclusive right to

- bring a civil action for such violation. Venue for such action shall be the county in which the alleged violation occurred. 4. Each institution, hospital, other entity, or other person conducting human embryonic stem cell research in the state shall (i) prepare an annual report stating the nature of the human embryonic stem cells used in, and the purpose of, the research conducted during the prior calendar year, and certifying compliance with subdivision (6) of subsection 2 of this section; and (ii) no later than June 30 of the subsequent year, make such report available to the public and inform the Secretary of State how the public may obtain copies of or otherwise gain access to the report. The report shall not contain private or confidential medical, scientific, or other information. Individuals conducting research at an institution, hospital, or other entity that prepares and makes available a report pursuant to this subsection 4 concerning such research are not required to prepare and make available a separate report concerning that same research. A civil action may be brought against any institution, hospital, other entity, or other person that fails to prepare or make available the report or inform the Secretary of State how the public may obtain copies of or otherwise gain access to the report, and the state in such action shall be entitled as its sole remedy to an affirmative injunction requiring such institution, hospital, other entity, or other person to
- for such violation. 5. To ensure that no governmental body or official arbitrarily restricts funds designated for purposes other than stem cell research or stem cell therapies and cures as a means of inhibiting lawful stem cell research or stem cell therapies and cures, no state or local governmental body or official shall eliminate, reduce, deny, or withhold any public funds provided or eligible to be provided to a person that (i) lawfully conducts stem cell research or provides stem cell therapies and cures, allows for such research or therapies and cures to be conducted or provided on its premises, or is otherwise associated with such research or therapies and cures, but (ii) receives or is eligible to receive such public funds for purposes other than such stem cell-related activities, on account of, or otherwise for the purpose of creating disincentives for any person to engage in or otherwise associate with, or preventing, restricting, obstructing, or dis-

prepare and make available the report or inform the

Secretary of State how the public may obtain or oth-

erwise gain access to the report. The attorney general

shall have the exclusive right to bring a civil action

- couraging, such stem cell-related activities. 6. As used in this section, the following terms have the following meanings: (1) "Blastocyst" means a small mass of cells that results from cell division, caused either by fertilization or somatic cell nuclear transfer, that has not
- been implanted in a uterus. (2) "Clone or attempt to clone a human being" means to implant in a uterus or attempt to implant in a uterus anything other than the product of fertilization of an egg of a human female by a sperm of a human male for the purpose of initiating a pregnancy that could result in the creation of a human fetus, or the birth of a human being.
- (3) "Donated" means donated for use in connection either with scientific or medical research or with medical treatment.

- (4) "Fertilization" means the process whereby an egg of a human female and the sperm of a human male form a zygote (i.e., fertilized egg). (5) "Human embryonic stem cell research," also referred to as "early stem cell research," means any scientific or medical research involving human stem
- (6) "In vitro fertilization" means fertilization of an egg with a sperm outside the body. (7) "Institutional Review Board" means a specially constituted review board established and operating in accordance with federal law as set forth in 42 U.S.C. 289, 45 C.F.R. Part 46, and any other appli-

cable federal statutes and regulations, as amended

does not include stem cell clinical trials.

cells derived from in vitro fertilization blastocysts or

from somatic cell nuclear transfer. For purposes of

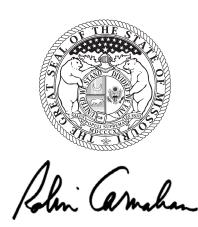
this section, human embryonic stem cell research

- from time to time. (8) "Permitted under federal law" means, as it relates to stem cell research and stem cell therapies and cures, any such research, therapies, and cures that are not prohibited under federal law from being conducted or provided, regardless of whether federal funds are made available for such activities.
- (9) "Person" means any natural person, corporation, association, partnership, public or private institution, or other legal entity.
- (10) "Private or confidential medical, scientific, or other information" means any private or confidential patient, medical, or personnel records or matters, intellectual property or work product, whether patentable or not and including but not limited to any scientific or technological innovations in which an entity or person involved in the research has a proprietary interest, prepublication scientific working papers, research, or data, and any other matter excepted from disclosure under Chapter 610, RSMo, as amended from time to time.
- (11) "Solely for the purpose of stem cell research" means producing human blastocysts using in vitro fertilization exclusively for stem cell research, but does not include producing any number of human blastocysts for the purpose of treating human infer-
- (12) "Sperm" means mature spermatozoa or precursor cells such as spermatids and spermatocytes. (13) "Stem cell" means a cell that can divide multiple times and give rise to specialized cells in the body, and includes but is not limited to the stem cells generally referred to as (i) adult stem cells that are found in some body tissues (including but not limited to adult stem cells derived from adult body tissues and from discarded umbilical cords and placentas), and (ii) embryonic stem cells (including but not limited to stem cells derived from in vitro fertilization blastocysts and from cell reprogramming techniques
- such as somatic cell nuclear transfer). (14) "Stem cell clinical trials" means federally regulated clinical trials involving stem cells and human subjects designed to develop, or assess or test the efficacy or safety of, medical treatments (15) "Stem cell research" means any scientific or medical research involving stem cells. For purposes of this section, stem cell research does not include
- stem cell clinical trials. (16) "Stem cell therapies and cures" means any medical treatment that involves or otherwise derives from the use of stem cells, and that is used to treat or cure any disease or injury. For purposes of this section, stem cell therapies and cures does include stem cell clinical trials
- (17) "Valuable consideration" means financial gain or advantage, but does not include reimbursement for reasonable costs incurred in connection with the removal, processing, disposal, preservation, quality control, storage, transfer, or donation of human eggs, sperm, or blastocysts, including lost wages of the donor. Valuable consideration also does not include the consideration paid to a donor of human eggs or sperm by a fertilization clinic or sperm bank, as well as any other consideration expressly allowed by federal law.
- 7. The provisions of this section and of all state and local laws, regulations, rules, charters, ordinances, and other governmental actions shall be construed in favor of the conduct of stem cell research and the provision of stem cell therapies and cures. No state or local law, regulation, rule, charter, ordinance, or other governmental action shall (i) prevent, restrict, obstruct, or discourage any stem cell research or stem cell therapies and cures that are permitted by this section to be conducted or provided, or (ii) create disincentives for any person to engage in or otherwise associate with such research or therapies
- 8. The provisions of this section are self-executing. All of the provisions of this section are severable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of

STATE OF MISSOURI Secretary of State

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that the foregoing is a full, true and complete copy of Constitutional Amendment No. 2, to be submitted to the qualified voters of the State of Missouri at the General Election to be held on the seventh day of November, 2006. In TESTIMONY WHEREOF, I hereunto set my

hand and affix the Great Seal of the State of Missouri. done at the City of Jefferson, this 25th day of August



ROBIN CARNAHAN Secretary of State

CONSTITUTIONAL AMENDMENT 3 (Proposed by Initiative Petition)

- Shall the Missouri Constitution be amended to create a Healthy Future Trust Fund which will: 1. be used to reduce and prevent tobacco use, to increase funding for healthcare access and treatment for eligible low-income individuals
- and Medicaid recipients, and to cover administrative costs; 2. be funded by a tax of four cents per cigarette
- and twenty percent on other tobacco products; 3. be kept separate from general revenue and an-
- nually audited? Additional taxes of four cents per cigarette and twenty percent of the manufacturer's invoice price on other tobacco products generates an estimated \$351 - \$499 million annually for tobacco control programs, healthcare for low income Missourians, and payments for services provided to Missouri Medicaid beneficiaries and uninsured Missourians. Local gov-
- ernmental fiscal impact is unknown. **NOTICE:** You are advised that the proposed constitutional amendment changes, repeals, or modifies by implication, or may be construed to change, repeal, or modify by implication, the following provisions of the Constitution of Missouri – Section 1 of Article II, Sections 1, 36, 38(a), 39, 40, and 51 of Article III, Sections 1, 5, 12, 13, 15, 17, 19, 22, 28, 36(a), 37, 37(a), 39, 48, and 51 of Article IV, Section 3(b) of Article IX, Sections 1, 3, 16, 17, 18, 18(e), 19, 20, and 21 of Article X, and Sections 1, 2(a), and 2(b) of Article XII.

Be it resolved by the people of the state of Missouri that the Constitution be amended:

- One new section is adopted by adding one new section to be known as Section 37(b) of Article IV to read
- Section 37(b).1. For the sole and exclusive purpose of providing additional moneys to be expended and used only for tobacco use education, prevention, and cessation programs and initiatives, and the improvement of health care access and treatment in both urban and rural areas of the state, on and after January 1, 2007, a tax equal to four cents per cigarette and twenty percent of the manufacturer's invoice price before discounts and deals on other tobacco products shall be levied and imposed upon the sale of cigarettes and other tobacco products. The tax imposed by this section shall be in addition to other taxes imposed by law on the sale of cigarettes and other tobacco products and shall be collected in the same manner and at the same time as the taxes imposed by law upon the sale of cigarettes and other to-
- bacco products. 2. As used in this section 37(b) of Article IV – "Cigarette" means an item manufactured of to-

- bacco or any tobacco substitute, wrapped in paper or any substitute therefor, weighing not to exceed three pounds per one thousand cigarettes and which is commonly classified, labeled, or advertised as a cig-
- "Manufacturer's invoice price" means the original net invoice price for which a manufacturer sells other tobacco products to a distributor, wholesaler, or first seller in the state as shown by the manufacturer's original invoice;
- "Other tobacco products" means cigarette papers, clove cigarettes, cigars, smokeless tobacco, smoking tobacco, or other form of tobacco products or products made with tobacco substitute containing
- "Cigar" means any roll for smoking, except cigarettes, made chiefly of tobacco or any tobacco substi-
- "Smokeless tobacco" means chewing tobacco, including, but not limited to, twist, moist plug, loose leaf and firm plug, and all types of snuff, including, but not limited to, moist and dry; "Healthy Future Trust Fund" means the fund created by subsection 3 of this section;
- "Tobacco Use Prevention, Education, and Cessation Account" means the account created by subsection 3(1) of this section; "Health Care Access and Treatment Account" means the account created by subsection 3(2) of this
- "Net proceeds" means the total moneys collected and deposited in the Healthy Future Trust Fund pursuant to the tax imposed by this section minus the amounts transferred from or paid out of the Healthy **Future Trust Fund pursuant to subsection 5 of this**

"Department of health and senior services"

means the executive department established by chap-

- ter 192, RSMo, or any successor department or "Missouri Medicaid beneficiary" means an individual who receives medical assistance under the "Uninsured Missourian" means a Missouri resi-
- dent and United States citizen who does not have health coverage through any private insurer, employer-sponsored self-insured plan, government health care program such as Medicaid, Medicare, or similar programs, or any other sources "Physician" means an individual with a valid and effective license to practice medicine and a valid and
- effective Missouri Medicaid participation agreement; "Federal poverty guidelines" means the federal poverty guidelines established pursuant to 42 U.S.C. section 9902(2), as amended, or any successor federal poverty guidelines; "Missouri Medicaid program" means the medical
- assistance program administered by the state of Missouri pursuant to Title XIX and Title XXI of the Social Security Act, as amended, and chapter 208, RSMo, and any successors to that program and shall include the State Children's Health Insurance Program and its suc-"Medicare physician fee schedule" means the
- Medicare physician fee schedule established pursuant to 42 U.S.C. section 1395w-4, as amended, or any successor Medicare physician fee schedule; "Safety net clinics" means those clinics with valid and effective Missouri Medicaid participation agreements that provide care to a substantial percentage of uninsured Missourians, as determined by department of social services rule. Safety net clinics shall include, but not be limited to, federally qualified health care centers, community mental health centers, public health clinics, medical school-based clinics, federally-designated provider-sponsored and independent rural health clinics, and hospital-based clinics that
- "Ambulatory visit" means a face-to-face encounter between a safety net clinic patient and a physician, physician assistant, nurse practitioner, nurse-midwife, visiting nurse, or other appropriate health care provider, as determined by department of social services rule;

to uninsured Missourians;

provide primary and physician specialty care services

- "Trauma centers" means hospitals with valid and effective Missouri Medicaid participation agreements that have been designated as trauma centers by the department of health and senior services; "Hospital emergency departments" means the emergency departments of hospitals with valid and effective Missouri Medicaid participation agree-
- ments; and "Level I trauma centers" means hospitals with valid and effective Missouri Medicaid participation agreements that have been designated as Level I trauma centers or an equivalent designation by the department of health and senior services. 3. The Healthy Future Trust Fund is hereby cre-
- ated within the state treasury. The following accounts are hereby created within the Healthy Future Trust (1) Tobacco Use Prevention, Education, and Ces-
- (2) Health Care Access and Treatment Account. 4. Beginning January 1, 2007, the state treasurer without legislative action shall credit to and place in the Healthy Future Trust Fund all moneys collected as a result of the tax imposed by this section as said moneys are received. All of the moneys from the tax imposed by this section shall be kept separate from the general revenue fund as well as any other funds or accounts in the state treasury and shall be credited to and placed only in the Healthy Future Trust Fund and the accounts created within the Healthy Future Trust Fund. Any moneys credited to and placed in the Healthy Future Trust Fund and any account created by this section shall be appropriated and used only for a purpose or an initiative which is authorized by this section and shall not be subject to the provisions of section 33.080, RSMo. The unexpended balances of such moneys shall remain in the Healthy Future Trust Fund and in the particular account in which the moneys are placed, and such balances shall not revert to the general revenue fund. All interest which accrues upon the moneys in any account within the Healthy Future Trust Fund shall be added to such account and shall not be credited to the general revenue fund. Except as otherwise provided in this section, generally applicable laws concerning use of public funds shall apply to the Healthy Future
- **Trust Fund.** 5. (1) The actual costs of collecting the tax imposed by this section shall be paid from the moneys in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total moneys
- (2) The department of revenue shall refund moneys overpaid or erroneously paid pursuant to this section as may be provided by law; (3) On a monthly basis, the director of the department of revenue shall determine whether the tax imposed by this section has caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the state school moneys fund pursuant to chapter 149, RSMo. If a reduction in the amount of moneys collected and deposited into any of those funds pursuant
- to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of moneys that were not collected and deposited into that fund or funds because of the tax imposed by this section shall be transferred from the Healthy Future Trust Fund to the appropriate fund or funds. The aggregate amount transferred to the fair share fund, the health initiatives fund, and the state school moneys fund from the Healthy Future Trust Fund for any
- nonth shall not exceed three percent of the total noneys collected pursuant to this section during that 6. The net proceeds of the tax imposed by this section shall be monthly apportioned, distributed, and
- deposited as follows: (1) Seventeen and one-half percent of the net proceeds shall be credited to and placed in the Tobacco
- Use Prevention, Education, and Cessation Account; (2) Eighty two and one-half percent of the net proceeds shall be credited to and placed in the Health Care Access and Treatment Account. 7. Moneys deposited in the Tobacco Use Prevention, Education, and Cessation Account shall be appropriated by the general assembly to the department of health and senior services, the department of public safety, and the department of mental health for the sole purpose of funding a comprehensive statewide tobacco control program that is consistent with the Center for Disease Control and Prevention's, or its successor agency's, best practices and guidelines for tobacco control programs and is determined by the department of health and senior services to be effective to prevent and reduce tobacco use, reduce the public's exposure to secondhand smoke, and identify and eliminate disparities related to tobacco use and its effects among different population groups. The components of the comprehensive statewide tobacco control program shall include but not be limited to: community programs to reduce tobacco use, chronic disease programs to reduce the burden of tobacco-related diseases, school programs, enforcement of existing policies, statewide programs,

counter-marketing programs, cessation programs,

- surveillance and evaluation, and administration and management. The general assembly may also, as part of the cessation program component of the statewide tobacco control program, appropriate funds in the **Tobacco Use Prevention, Education, and Cessation** Account to the department of social services for tobacco use cessation programs for Missouri Medicaid beneficiaries, provided that no more than ten percent of the moneys in the Tobacco Use Prevention, Education, and Cessation Account shall be appropriated for
- such programs. (1) To ensure effective funding allocations of the moneys in the Tobacco Use Prevention, Education, and Cessation Account within the best practices and guidelines of the Center for Disease Control and Prevention or its successor agency, at least fifteen percent of those moneys shall be appropriated for mass media public education and counter-marketing programs, at least fifteen percent of those moneys shall be appropriated for community programs to reduce tobacco use, at least five percent of those moneys shall be appropriated for surveillance and evaluation relating to all expenditures and uses of the funds, and at least fifteen percent but no more than thirty percent of those moneys shall be appropriated for cessation programs including any funds appropriated for tobacco use cessation programs for Missouri Medi-
- caid beneficiaries. (2) The department of health and senior services shall promulgate reasonable rules to implement this subsection 7, including rules to determine the overall effectiveness of the statewide comprehensive tobacco control program and its individual components, to establish the eligibility of providers, and to distribute the moneys that are appropriated pursuant to this section for supplemental payments to certain service providers for uncompensated smoking cessation pro-
- (3) An oversight committee whose members shall be appointed by the governor with the advice and consent of the senate, and whose number of members shall be provided for by law, is hereby created to assist the department of health and senior services, the department of public safety, and the department of mental health in developing, implementing, and maintaining a strategic plan, in monitoring the use of funds, and in assessing the efficacy of programs funded through the Tobacco Use Prevention, Education, and Cessation Account. The members of the oversight committee shall be persons with experience and expertise regarding public health, tobacco control policies and programs, public education and counter-marketing, and program oversight and evaluations. No member of the oversight committee shall serve as a director or employee of any organization that receives funding from the Tobacco Use Prevention, Education, and Cessation Account. In addition, no member of the oversight committee shall, during the member's tenure on the committee or for three years before joining the committee, receive any salary, grants, or other payments or support from any business that manufactures, distributes, markets, or sells cigarettes or other tobacco products or serve as a director, employee, or consultant of any organization that receives grants or contributions from any such business or that provides legal, lobbying, public relations, marketing, or advertising services to any such business. Each member of the oversight committee shall also agree not to enter into any such financial or business relationships with the tobacco industry for a period of two years after that member's tenure on the oversight committee ends. The oversight committee shall annually provide a publicly available report on tobacco use and its related harms and costs in the state, the allocation of the Tobacco **Use Prevention, Education, and Cessation Account** funds, and related surveillance and evaluation findings to the general assembly and the governor.
- 8. Moneys deposited in the Health Care Access and Treatment Account shall be appropriated by the general assembly solely to provide additional funds for the purpose of: (1) providing medically necessary health care services for individuals with incomes that are 200% or less of the federal poverty guidelines, including services provided through the Medicaid or State Children's Health Insurance Programs established under Title XIX and Title XXI of the Social Security Act, as amended, and any successor programs. Thirty five and one-quarter percent of the moneys in the Health Care Access and Treatment Account shall be appropriated to the department of social services for
- this purpose. The department of social services shall determine the eligibility criteria for these programs and services. In determining eligibility criteria, the department shall apply a preference in favor of medical programs and services for individuals with medical conditions associated with tobacco use or secondhand smoke, and in favor of new or additional Medicaid benefits or services for custodial parents, the aged, and individuals with medical and mental (2) providing supplemental payments for primary care and specialist physician services rendered to Missouri Medicaid beneficiaries. Thirty five and one-

quarter percent of the moneys in the Health Care Ac-

- cess and Treatment Account shall be appropriated to the department of social services for this purpose. The department of social services shall establish, to the extent funds are available, a Medicaid physician fee schedule that is comparable to the Medicare physician fee schedule; (3) providing supplemental payments to safety net clinics. Thirteen percent of the moneys in the Health Care Access and Treatment Account shall be appropriated to the department of social services for this purpose. The department of social services shall cal-
- culate the supplemental payment to each safety net clinic based on the number of ambulatory visits provided during the prior twelve month period to uninsured Missourians with annual household incomes that are 200% or less of the federal poverty guidelines. Safety net clinics shall submit annual financial reports to the department of social services documenting the number of ambulatory visits provided to uninsured Missourians with annual household incomes that are 200% or less of the federal poverty (4) providing supplemental payments to trauma centers and hospital emergency departments for facility and physician services rendered to Missouri
- Medicaid beneficiaries and uninsured Missourians. Fifteen and one-quarter percent of the moneys in the Health Care Access and Treatment Account shall be appropriated to the department of social services for this purpose. At least fifty-five percent of the moneys appropriated for supplemental payments to trauma centers and hospital emergency departments shall be used for payments to compensate Level I designated trauma centers for their unreimbursed costs of treating Missouri Medicaid beneficiaries and uninsured Missourians; and
- (5) providing supplemental payments for emergency ambulance services provided to Missouri Medicaid beneficiaries. One and one-quarter percent of the moneys in the Health Care Access and Treatment Account shall be appropriated to the department of social services for this purpose.
- The department of social services shall promulgate reasonable rules to implement subsection 8. In calculating the payments to be made to health care providers pursuant to this subsection 8, the department of social services shall ensure that total payments do not exceed the cost of delivering the services. As permitted by federal law, the department of social services may seek approval from the federal government and take all other necessary steps to qualify the payments described in subsection 8(1) as eligible for federal financial participation payments through the Missouri Medicaid program. As permitted by federal law, the department of social services shall seek approval from the federal government and take all other necessary steps to qualify the payments described in subsection 8(2)-(5) as eligible for federal financial participation payments through the Missouri Medicaid program. Any application for waiver of federal Medicaid standards which is filed to implement this subsection 8 and which relies solely on the moneys generated by this section to fund the state share of any payments to be made under the waiver shall be exempt from the standards of subsection 5 of section 208.151, RSMo. On or before January 1 of each year, the department of social services shall submit a written report to the governor and the general assembly describing the state legislative changes, if any, that are needed to qualify payments under this subsection for federal financial participation. Notwithstanding any
- other provision of this subsection, if any of the payments described by this subsection 8 cannot be qualified for federal financial participation at any time, the payments of the state moneys in the Health Care Access and Treatment Account shall still be made pursuant to this subsection 8. The rate of the federal reimbursement allowance assessment may be reduced, in an amount to be determined by department of social services rule, to the extent the moneys generated by this section and payments made pursuant to this subsection 8 offset the need for such allowance to fund Missouri Medicaid reimbursements.

9. The state auditor shall perform an annual audit

of the funds and programs established pursuant to

this section, which shall include an evaluation of

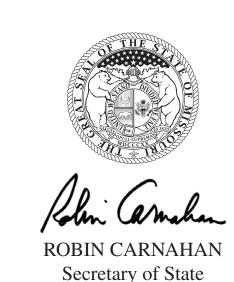
- whether pre-existing funding for programs or initiatives has been reduced because of the new funding of November, 2006. for such purposes provided through the Healthy Future Trust Fund or any of its accounts. Such audit shall be performed on a fiscal year basis. The state auditor shall make copies of each audit available to the public. Every three years the state auditor shall prepare a comprehensive report assessing the work and progress of the programs established pursuant to this section. Such assessment report shall analyze the impact of the programs, grants, and contracts
- performed, shall be provided to the governor and the general assembly, and shall be available to the public. 10. Except as otherwise provided in this section, the effective date of this amendment shall be January 1, 2007. The tax imposed by this section on cigarettes and other tobacco products shall be imposed on all cigarettes and other tobacco products in the possession or under the control of any dealer or distributor on and after 12:01 a.m. on January 1, 2007, as determined by department of revenue rule. The initiatives and programs described in subsections 7 and 8 shall be implemented as soon as reasonably practicable,
- but at least by July 1, 2007. 11. The additional revenue provided by section 37(b) of this article shall not be part of the "total state revenue" within the meaning of sections 17 and 18 of article X of this constitution. The expenditure of this additional revenue shall not be an "expense of state government" under section 20 of article X of this con-
- 12. The net proceeds from the tax imposed by this section shall constitute new and additional funding for the initiatives and programs described in this section and shall not be used to replace existing funding as of July 1, 2006 for the same or similar initiatives and programs.

13. All of the provisions of this section shall be self-enforcing. All of the provisions of this section are severable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this section shall be and remain valid.

STATE OF MISSOURI

Secretary of State I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that the foregoing is a full, true and complete copy of Constitutional Amendment No. 3 to be submitted to the qualified voters of the State of Missouri at the General Election to be held on the seventh day of November, 2006

In TESTIMONY WHEREOF, I hereunto set my hand and affix the Great Seal of the State of Missouri, done at the City of Jefferson, this 12th day of September



CONSTITUTIONAL AMENDMENT 6 Proposed by the 93rd General Assembly (Second Regu-

- lar Session) SJR 26 Shall the Missouri Constitution be amended to include a tax exemption for real and personal property that is used or held exclusively for nonprofit purposes or activities of veterans' organizations? It is estimated this proposal will have a minimal cost to state government. The estimated costs to local
- governmental entities range from zero to approximately \$45,000. Be it resolved by the Senate, the House of Representatives concurring therein:
- That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2006, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article X of the Constitution of the state of Missouri
- Section A. Section 6, article X, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 6, to read as follows: Section 6. 1. All property, real and personal, of the state, counties and other political subdivisions, and nonprofit cemeteries, shall be exempt from taxation; all personal property held as industrial inventories, including raw materials, work in progress and finished work on hand, by manufacturers and refiners, and all personal property held as goods, wares, merchandise, stock in trade or inventory for resale by distributors, wholesalers, or retail merchants or establishments shall be exempt from taxation; and all property, real and personal, not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, [or] for agricultural and horticultural societies, or for veterans' organizations may
- be exempted from taxation by general law. In addition to the above, household goods, furniture, wearing apparel and articles of personal use and adornment owned and used by a person in his home or dwelling place may be exempt from taxation by general law but any such law may provide for approximate restitution to the respective political subdivisions of revenues lost by reason of the exemption. All laws exempting from taxation property other than the property enumerated in this article, shall be void. The provisions of this section exempting certain personal property of manufacturers, refiners, distributors, wholesalers, and retail merchants and establishments from taxation shall become effective, unless

otherwise provided by law, in each county on January 1

of the year in which that county completes its first gen-

- eral reassessment as defined by law. 2. All revenues lost because of the exemption of certain personal property of manufacturers, refiners, distributors, wholesalers, and retail merchants and establishments shall be replaced to each taxing authority within a county from a countywide tax hereby imposed on all property in subclass 3 of class 1 in each county. For the year in which the exemption becomes effective, the county clerk shall calculate the total revenue lost by all taxing authorities in the county and extend upon all property in subclass 3 of class 1 within the county, a tax at the rate necessary to produce that amount. The rate of tax levied in each county according to this subsection shall not be increased above the rate first imposed and will stand levied at that rate unless later reduced accordng to the provisions of subsection 3. The county collector shall disburse the proceeds according to the revenue lost by each taxing authority because of the exemption of such property in that county. Restitution of the revenues lost by any taxing district contained in more than one county shall be from the several counties according to the revenue lost because of the exemption of property in each county. Each year after the first year the replace-
- ment tax is imposed, the amount distributed to each taxing authority in a county shall be increased or decreased by an amount equal to the amount resulting from the change in that district's total assessed value of property in subclass 3 of class 1 at the countywide replacement tax rate. In order to implement the provisions of this subsection, the limits set in section 11(b) of this article may be exceeded, without voter approval, if necessary to allow each county listed in section 11(b) to comply with 3. Any increase in the tax rate imposed pursuant to subsection 2 of this section shall be decreased if such decrease is approved by a majority of the voters of the county voting on such decrease. A decrease in the increased tax rate imposed under subsection 2 of this sec-
- tion may be submitted to the voters of a county by the governing body thereof upon its own order, ordinance, or resolution and shall be submitted upon the petition of at least eight percent of the qualified voters who voted in the immediately preceding gubernatorial election. 4. As used in this section, the terms "revenues lost" and "lost revenues" shall mean that revenue which each taxing authority received from the imposition of a tangible personal property tax on all personal property held as industrial inventories, including raw materials, work in progress and finished work on hand, by manufacturers and refiners, and all personal property held as goods, wares, merchandise, stock in trade or inventory for resale by distributors, wholesalers, or retail merchants or establishments in the last full tax year immediately preceding the effective date of the exemption from taxation

granted for such property under subsection 1 of this sec-

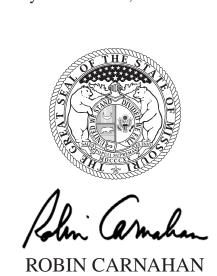
tion, and which was no longer received after such ex-

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

STATE OF MISSOURI Secretary of State

emption became effective.

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that the foregoing is a full, true and complete copy of Constitutional Amendment No. 6, to be submitted to the qualified voters of the State of Missouri at the General Election to be held on the seventh day In TESTIMONY WHEREOF, I hereunto set my hand and affix the Great Seal of the State of Missouri done at the City of Jefferson, this 25th day of August



CONSTITUTIONAL AMENDMENT 7 Proposed by the 93rd General Assembly (Second Regular Session) HJR 55

Secretary of State

- Shall Article XIII, Section 3 of the Constitution be amended to require that legislators, statewide elected officials, and judges forfeit state pensions upon felony conviction, removal from office following impeachment or for misconduct, and to require that compensation for such persons be set by a citizens commission subject to voter referendum? It is estimated this proposal will have no costs to state or local governments. Be it resolved by the House of Representatives, the **Senate concurring therein:**
- That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2006, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article XIII of the Constitution of the state of Missouri

Section A. Section 3, article XIII, Constitution of

- Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 3, to read as follows: Section 3. 1. Other provisions of this constitution to the contrary notwithstanding, in order to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of the state, after the effective date of this section no elected state official, member of the general assembly, or judge, except municipal judges, shall receive compensation for the performance of their duties other than in the amount established for each office by the Missouri [citizen's] citizens' commission on compensation for elected officials established pursuant to the provisions of this section. The term "compensation" includes the salary rate established by law, milage al-
- lowances, per diem expense allowances. 2. There is created a commission to be known as the "Missouri [Citizen's] Citizens' Commission on Compensation for Elected Officials". The Commission shall be selected in the following manner:
- (1) One member of the commission shall be selected at random by the secretary of state from each congressional district from among those registered voters eligible to vote at the time of selection. The secretary of state shall establish policies and procedures for conducting the selection at random. In making the selections, the secretary of state shall establish a selection system to ensure that no more than five of the members shall be from the same political party. The policies shall include, but not be limited to, the method of notifying persons selected and for providing for a new selection if any person
- declines appointment to the commission; (2) One member shall be a retired judge appointed by the judges of the supreme court, en banc; (3) Twelve members shall be appointed by the governor, by and with the advice and consent of the senate Not more than six of the appointees shall be members of the same political party. Of the persons appointed by the governor, one shall be a person who has had experience in the field of personnel management, one shall be a person who is representative of organized labor, one shall be a person representing small business in this state. one shall be the chief executive officer of a business doing an average gross annual business in excess of one million dollars, one shall be a person representing the health care industry, one shall be a person representing agriculture, two shall be persons over the age of sixty
- years, four shall be citizens of a county of the third classification, two of such citizens selected from a county of the third classification shall be selected from north of the Missouri River and two shall be selected from south of the Missouri River. No two persons selected to represent a county of the third classification shall be from the same county nor shall such persons be appointed from any county represented by an appointment to the commission by the secretary of state pursuant to subdivision (1) of
- 3. All members of the commission shall be residents and registered voters of the state of Missouri. Except as otherwise specifically provided in this section, no state official, no member of the general assembly, no active judge of any court, no employee of the state or any of its institutions, boards, commissions, agencies or other entities, no elected or appointed official or employee of any political subdivision of the state, and no lobbyist as defined by law shall serve as a member of the commission. No immediate family member of any person ineligible for service on the commission under the provisions of this subsection may serve on the commission. The phrase "immediate family" means the parents, spouse, siblings children, or dependant relative of the person whether or not living in the same household.
- 4. Members of the commission shall hold office for a term of four years. No person may be appointed to the commission more than once. No member of the commission may be removed from office during the term for which appointed except for incapacity, incompetence, neglect of duty malfeasance in office, or for a disqualifying change of residence. Any action for removal shall be brought by the attorney general at the request of the governor and shall be heard in the circuit court for the county in which the
- accused commission member resides. 5. The first appointments to the commission shall be made not later than February 1, 1996, and not later than February first every four years thereafter. All appointments shall be filed with the secretary of state, who shall call the first meeting of the commission not later than March 1, 1996, and shall preside at the first meeting until the commission is organized. The members of the commission shall organize and elect a chairperson and such other officers as the commission finds necessary. 6. Upon a vacancy on the commission, a successor
- shall be selected and appointed to fill the unexpired term in the same manner as the original appointment was made. The appointment to fill a vacancy shall be made within thirty days of the date the position becomes va-7. Members of the commission shall receive no compensation for their services but shall be reimbursed for

their actual and necessary expenses incurred in the per-

formance of their duties from appropriations made for

- 8. The commission shall, beginning in 1996, and every two years thereafter, review and study the relationship of compensation to the duties of all elected state officials, all members of the general assembly, and all judges, except municipal judges, and shall fix the compensation for each respective position. The commission shall file its initial schedule of compensation with the secretary of state and the revisor of statutes no later than the first day of December, 1996, and by the first day of December each two years thereafter. The schedule of compensation shall become effective unless disapproved by concurrent resolution adopted by a two-thirds ma**jority vote** the general assembly before February 1 of the year following the filing of the schedule. Each schedule shall be published by the secretary of state as a part of the session laws of the general assembly and may also be published as a separate publication at the discretion of the secretary of state. The schedule shall also be published by the revisor of statutes as a part of the revised statutes of Missouri. The schedule shall[, subject to appropriations,] apply and represent the compensation for each affected person beginning on the first day of July
- following the filing of the schedule. In addition to any compensation established by the schedule, the general assembly may provide by appropriation for periodic uniform general cost-of-living increases or decreases for all employees of the state of Missouri and such cost-ofliving increases or decreases may also be extended to those persons affected by the compensation schedule fixed by the commission. No cost-of-living increase or decrease granted to any person affected by the schedule shall exceed the uniform general increase or decrease provided for all other state employees by the general as-9. Prior to the filing of any compensation schedule.

the commission shall hold no less than four public hear-

ings on such schedule, at different geographical locations

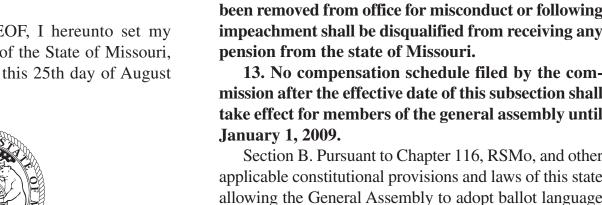
11. Schedules filed by the commission shall be sub-

ject to referendum upon petition of the voters of this state

in the same manner and under the same conditions as a

within the state, within the four months immediately preceding the filing of the schedule. All meetings, actions hearings, and business of the commission shall be open to the public, and all records of the commission shall be available for public inspection. 10. Until the first day of July next after the filing of the first schedule by the commission, compensation of the persons affected by this section shall be that in effect on the effective date of this amendment.

bill enacted by the general assembly. 12. Beginning January 1, 2007, any public official subject to this provision who is convicted in any court



the voters of this state, the official ballot title of the amendbe as follows: "Shall Article XIII, Section 3 of the Constitution be amended to require that legislators, statewide elected of ficials, and judges forfeit state pensions upon felony conviction, removal from office following impeachment or for misconduct, and to require that compensation for

of a felony which occurred while in office or who has

voter referendum?'

STATE OF MISSOURI Secretary of State

I, Robin Carnahan, Secretary of State of the State of to be submitted to the qualified voters of the State of Misof November, 2006. In TESTIMONY WHEREOF, I hereunto set my

PROPOSITION B (Proposed by Initiative Petition)

The proposed revisions to Missouri's wage rate laws generates an estimated \$3.3 million to \$4.3 mil

government is unknown. Be it enacted by the people of the State of Missouri: Chapter 290 of the Revised Statutes of Missouri, 2005, is amended to read as follows: §290.500. Definitions

- and industrial relations or his authorized representative (3) "Employee", [an] **any** individual employed by an employer, except that the term "employee" shall not in (a) Any individual employed in a bona fide executive administrative, or professional capacity:
- ucational, charitable, religious, or nonprofit organization zation are on a voluntary basis; children in their care;
- [(d) Any individual who receives a minimum wage amended, including individuals employed by an employer covered by 29 U.S.C. 203, or other applicable federal law; ([e] d) Any individual employed for less than four
- conference center operated by an educational, charitable or not-for-profit organization: ([f] e) Any individual engaged in the activities of an educational organization where employment by the or ganization is in lieu of the requirement that the individ ual pay the cost of tuition, housing or other educational fees of the organization or where earnings of the individual employed by the organization are credited toward
- cational fees of the organization; ([g] f) Any individual employed on or about a private residence on an occasional basis for six hours or less or each occasion; ([h] g) Any handicapped person employed in a sheltered workshop, certified by the department of elemen-
- tary and secondary education; or infirmity are unable to care for themselves];
- ject to the provisions of [Part I of the Interstate Commerce Act] part A of subtitle IV of title 49, United States Code, 49 U.S.C. §§ 10101 et seg.: ([k] j) Any individual employed on a casual or intermittent basis as a golf caddy, newsboy, or in a similar
- ([1] **k**) Any individual whose earnings are derived in ([m] I) Any individual [subject to the minimum wage provisions of applicable federal law or any individual who is employed in any government position defined in
- ice business whose annual gross volume sales made of business done is less than five hundred thousand dollars ([o] **n**) Any individual who is an offender, as defined in section 217.010, RSMo, who is incarcerated in any correctional facility operated by the department of corrections, including offenders who provide labor or serv ices on the grounds of such correctional facility pursuant
- section 29 U.S.C. 213(a) (8); (4) "Employer", any [individual, partnership, association, corporation, business, business trust, or any person [or group of persons]acting directly or indirectly in the interest of an employer in relation to an employee; (5) "Learner and apprentice", any individual **unde** 20 years of age who has not completed the required training for a particular job. In no event shall the individual be deemed a learner or apprentice in the occupation after three months of training except where the director finds, after investigation, that for the particular occupation a minimum of proficiency cannot be acquired in three months. In no case shall a person be declared to be a learner or apprentice after six months of training for a particular employer or job. Employees of an amusement or recreation business that meets the criteria set out in 29 U.S.C. § 213(a) (3) may be deemed a learner or apprentice for ninety working days. No individual shall be deemed a learner or apprentice solely for the purpose of evading the provisions of sections 290.500 to 290.530;
- resentative, or any organized group of persons; than one hour.

on demand at full face value[.]

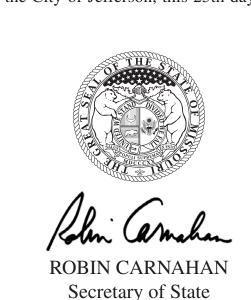
every employer shall pay to each [of his employees] employee wages at the rate of \$ 6.50 per hour, or wages at the same rate or rates set under the provisions of federal law as the prevailing federal minimum wage applicable to those covered jobs in interstate commerce,

- Section B. Pursuant to Chapter 116, RSMo, and other for the submission of a Joint Resolution for submission to
- ment proposed in Section A of this Joint Resolution shall such persons be set by a citizens' commission subject to

EXPLANATION—Matter enclosed in bold-faced brack ets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in **bold-face** type in the above

bill is proposed language

Missouri, hereby certify that the foregoing is a full, true and complete copy of Constitutional Amendment No. 7, souri at the General Election to be held on the seventh day hand and affix the Great Seal of the State of Missouri done at the City of Jefferson, this 25th day of August



Shall Missouri Statutes be amended to increase the state minimum wage rate to \$6.50 per hour, or to the level of the federal minimum wage if that higher, and thereafter adjust the state minimum wage annually based on changes in the Consumer **Price Index?**

lion annually in state revenue. The impact on local

- As used in sections 290.500 to 290.530, the follow ing words and phrases mean: (1) "Agriculture", farming and all its branches in cluding, but not limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural commodities, the raising of livestock, fish and other marine life, bees, furbearing animals or poultry and any practices performed by a farmer or on a farm as an incident to or in conjunc tion with farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market;
- (2) "Director", the director of the department of labor
- (b) Any individual engaged in the activities of an ed where the employer-employee relationship does not, in fact, exist or where the services rendered to the organi-(c) Any individual standing in loco parentis to foster
- pursuant to the Fair Labor Standards Act of 1938, as months in any year in a resident or day camp for children
- or youth, or any individual employed by an educational
- the payment of the cost of tuition, housing or other edu-
- ([i] h) Any person employed on a casual basis [in do mestic service employment] to provide baby-sitting serv ices[, any person employed in the domestic service of any family or person at his home, and any employee employed in domestic service employment to provide com-
- panionship services for individuals who because of age ([j] i) Any individual employed by an employer sub-
- occupation; whole or in part from sales commissions and whose hours and places of employment are not substantially controlled by the employer;
- 29 U.S.C. §§ 203(e)(2)[(c)(i)] (C)(i)-(ii); ([n] **m**) Any individual employed by a retail or serv
- to section 217.550, RSMos ([p] o) Any individual described by the provisions of
- (6) "Occupation", any occupation, service, trade business, industry, or branch or group of industries or employment or class of employment in which individuals are gainfully employed; (7) "Wage", compensation due to an employee by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash
- (8) "Person", any individual, partnership, association, corporation, business, business trust, legal rep-(9) "Man-day", any day during which an employee performs any agricultural labor for not less §290.502. Minimum wage rate
- **1.** Except as may be otherwise provided pursuant to sections 290.500 to 290.530, effective January 1, 2007

of living. On September 30, 2007, and on each September 30 of each successive year, the director shall measure the increase or decrease in the cost of living by the percentage increase or decrease as of the preceding July over the level as of July of the immediately preceding year of the Consumer Price Index for **Urban Wage Earners and Clerical Workers (CPI-W** or successor index as published by the U.S. Depart ment of Labor or its successor agency, with the amount of the minimum wage increase or decrease rounded to the nearest five cents. §290.505. Overtime compensation, applicable num

2. The minimum wage shall be increased or de-

creased on January 1, 2008, and on January 1 of suc-

cessive years, by the increase or decrease in the cost

whichever rate per hour is higher

- ber of hours, exceptions 1. No employer shall employ any of his employees for a workweek longer than forty hours unless such employee receives compensation for his employment in ex cess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is
- 2. Employees of an amusement or recreation business that meets the criteria set out in 29 U.S.C. § 213(a) (3) must be paid one and one-half times their regular compensation for any hours worked in excess of fifty-
- two hours in any one-week period. 3. With the exception of employees described in subsection (2), the overtime requirements of subsection (1) shall not apply to employees who are exempt from federal minimum wage or overtime requirements pursuant to 29 U.S.C.§§ 213(a)-(b). §290.507. Agriculture, law not applicable to small
- Sections 290.500 to 290.530 shall not apply to any employee or employer engaged in agriculture, as defined in section 290.500 (A) if such employee is employed by an employer who did not, during any calendar quarter during the preceding calendar year, use more than five hundred man-days of agriculture labor, (B) if such employee is the parent, spouse, child, or other member of his employer's immediate family, (C) if such employee (i) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally rec ognized as having been, paid on a piece rate basis in the region of employment, (ii) commutes daily from his permanent residence to the farm on which he is so employed, and (iii) has been employed in agriculture less than thirteen weeks during the preceding calendar year, (D) if such employee (other than an em ployee described in clause (C) of this subsection) (i) is sixteen years of age or under and is employed as a hand harvest laborer, is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (ii) is employed on the same farm as his parent or person standing in the place of his parent, and (iii) is paid at the same piece rate as employees over age sixteen are paid on the same farm, or (E) if such employee is

§290.510. Director may investigate to prove compli-The director shall have authority to investigate and

ascertain the wages of persons employed in any occupa-

tion included within the meaning of sections 290.500 to

principally engaged in the range production of live-

§290.512. Gratuities, goods or services as part of wages, effect on minimum wage requirements 1. No employer of any employee who receives and retains compensation in the form of gratuities in addition to wages is required to pay wages in excess of fifty percent of the minimum wage rate specified in sections 290.500 to 290.530, however, total compensation for such employee shall total at least the minimum wage specified in sections 290.500 to 290.530, the difference being made up by the employer.

2. If an employee receives and retains compensation

- in the form of goods or services as an incident of his employment and if he is not required to exercise any discretion in order to receive the goods or services, the employer is required to pay only the difference between the fair market value of the goods and services and the minimum wage otherwise required to be paid by sections 290.500 to 290.530. The fair market value of the goods and services shall be computed on a weekly basis. The director shall provide by regulation a method of valuing the goods and services received by any employee in lieu of the wages otherwise required to be paid under the provisions of sections 290.500 to 290.530. He shall also provide by regulation a method of determining those types of goods and services that are an incident of employment the receipt of which does not require any discretion on the part of the employee §290.515. Physical or mental deficiency of em-
- ployee, wage rate, determined by director, how After a public hearing at which any person may be heard, the director shall provide by regulation for the employment in any occupation of individuals whose earning capacity is impaired by physical or mental deficiency at wages lower than the wage rate applicable under sec tions 290.500 to 290.530. The individuals shall be employed as the director finds appropriate to prevent curtailment of opportunities for employment, to avoid undue hardship, and to safeguard the wage rate applicable under sections 290.500 to 290.530, except that no individual who maintains a production level within the limits required of other employees shall be paid less than the wage rate applicable under sections 290.500 to 290.530. Employees affected or their guardians shall be given reasonable notice of this hearing.
- §290.517. Learners and apprentices, wage rate, determined by director, how After a public hearing of which individual employees affected must be given reasonable notice, the director shall provide by regulation for the employment in any occupation, at wages lower than the wage rate applicable under sections 290.500 to 290.530, of such learners and apprentices as he finds appropriate to prevent curtailment of opportunities for employment. Such wage rate for learners and apprentices shall be [the same rate or rates set under the provisions of federal law as the prevailing federal subminimum wage applicable to new workers] not less than 90 cents less than the minimum wage established by sections 290.500 to 290.530. At no time may this provision be used for the purpose of evading
- the spirit and meaning of sections 290.500 to 290.530. §290.520. Employer to keep records—director may inspect, records to be confidential Every employer subject to any provision of sections 290.500 to 290.530 or any regulation issued under sections 290.500 to 290.530 shall make and keep for a period of not less than three years on or about the premises wherein any employee is employed or at some other premises which is suitable to the employer, a record of the name, address and occupation of each of his employees, the rate of pay, the amount paid each pay period to each employee, the hours worked each day and each workweek by the employee and any goods or services provided by the employer to the employee as provided in section 290.512. The records shall be open for inspection by the director by appointment. Where the records required under this section are kept outside the state, the records shall be made available to the director upon demand. Every such employer shall furnish to the director on demand a sworn statement of time records and information upon forms prescribed or approved by the direc tor. All the records and information obtained by the
- §290.522. Summary of law and wage rate, employer Every employer subject to any provision of sections 290.500 to 290.530 or of any regulations issued under sections 290.500 to 290.530 shall keep a summary of sections 290.500 to 290.530, approved by the director, and copies of any applicable wage regulations issued under sections 290.500 to 290.530, or a summary of the wage regulations posted in a conspicuous and accessible place in or about the premises wherein any person subject thereto is employed. Employers shall be furnished copies of the summaries and regulations by the state on request without charge.

department of labor and industrial relations are confi-

dential and shall be disclosed only on order of a court of

competent jurisdiction.

Any employer who hinders the director in the performance of his duties in the enforcement of sections 290.500 to 290.530 by any of the following acts is guilty of a class C misdemeanor: (1) Refusing to admit the director to any place of em-(2) Failing to make, keep and preserve any records as required under the provisions of sections 290.500 to

§290.525. Violations—penalty

- (3) Falsifying any record required under the provisions of sections 290.500 to 290.530; (4) Refusing to make any record required under the provisions of sections 290.500 to 290.530 accessible to (5) Refusing to furnish a sworn statement of any record required under the provisions of sections 290.500
- proper enforcement of sections 290.500 to 290.530 to the director upon demand; (6) Failing to post a summary of sections 290.500 to 290.530 or a copy of any applicable regulation as re-(7) Discharging or in any other manner discriminating against any employee who has notified the director

to 290.530 or any other information required for the

that he has not been paid wages in accordance with the provisions of sections 290.500 to 290.530, or who has caused to be instituted any proceeding under or related to sections 290.500 to 290.530, or who has testified or is about to testify in any such proceeding; (8) Paying or agreeing to pay wages at a rate less than the rate applicable under sections 290.500 to 290.530.

- Payment at such rate for any week or portion of a week constitutes a separate offense as to each employee; (9) Otherwise violating any provisions of sections
- 290.500 to 290.530. Each day of violation constitutes a separate offense. §290.527. Action for underpayment of wages, employee may bring—limitation
- Any employer who pays any employee less wages than the wages to which the employee is entitled under or by virtue of sections 290.500 to 290.530 shall be liable to the employee affected for the full amount of the wage rate and an additional equal amount as liquidated damages, less any amount actually paid to the employee by the employer and for costs and such reasonable attorney fees as may be allowed by the court or jury. The employee may bring any legal action necessary to collect the claim. Any agreement between the employee and the employer to work for less than the wage rate shall be no defense to the action. All actions for* the collection of
- any deficiency in wages shall be commenced within two years of the accrual of the cause of action. §290.528. Law not to supersede more favorable ex-Any standards relating to minimum wages, maximum hours, overtime compensation or other working conditions in effect under any other law of this state on August 28, 1990, which are more favorable to employees than those applicable to employees under sections 290.500 to 290.530 or the regulations issued under sections 290.500 to 290.530, shall not be deemed to be amended, rescinded, or otherwise affected by sections 290.500 to 290.530 but shall continue in full force and

effect and may be enforced as provided by law.

§290.530. Law not to interfere with collective bargaining rights Nothing in sections 290.500 to 290.530 shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum under the provi-



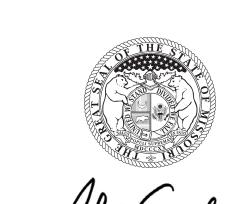
sions of sections 290.500 to 290.530.

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that the foregoing is a full, true and complete copy of Proposition B, to be submitted to the qualified voters of the State of Missouri at the Gen eral Election to be held on the seventh day of November

In TESTIMONY WHEREOF, I hereunto set my

hand and affix the Great Seal of the State of Missouri

done at the City of Jefferson, this 25th day of August



ROBIN CARNAHAN

Secretary of State

Fair Ballot Language

For the General Election held November 7, 2006.



Section 116.025. The secretary of state within twenty days of receiving a statewide ballot measure shall prepare and transmit to the attorney general fair ballot language statements that fairly and accurately explain what a vote for and what a vote against the measure represent. Each statement shall be posted in each polling place next to the sample ballot. Such fair ballot language statements of the effect of a vote for and against the measure in language neither intentionally argumentative nor likely to create prejudice for or against the proposed measure. In addition, such fair ballot language shall include a statement as to whether the measure will increase, decrease, or have no impact on taxes, including the specific category of tax. Such fair ballot language statements may be challenged in accordance with section 116.190. The attorney general shall within ten days approve the legal content and form of the proposed statements.

Constitutional Amendment #2—Stem Cell

A "yes" vote will amend the Missouri Constitution to allow and set limitations on stem cell research, therapies, and cures which will:

- ensure Missouri patients have access to any therapies and cures, and allow Missouri researchers to conduct any research, permitted under federal law;
- ban human cloning or attempted cloning;
- require expert medical and public oversight and annual reports on the nature and purpose of any stem cell research;
- impose criminal and civil penalties for any violations; and
- prohibit state or local governments from preventing or discouraging lawful research, therapies and cures.

A "no" vote would not ensure that stem cell research permitted under federal law is allowed to be conducted in Missouri and that Missouri patients have access to stem cell therapies and cures permitted under federal law.

This measure will have no impact on taxes.

Constitutional Amendment #3—Tobacco Tax

A "yes" vote will amend the Missouri Constitution to create the Healthy Future Trust Fund. This Fund will be used to reduce and prevent tobacco use. The Fund also will be used to increase funding for healthcare access and treatment for eligible low-income Missourians and Medicaid recipients. In addition, it will pay for the cost of administering the fund.

Money for the Fund will be generated by a tax on tobacco products. The tax will be four cents per cigarette and twenty percent on other tobacco products.

This Fund will be maintained and kept separate from general revenue and it will be audited annually.

A "no" vote means a Healthy Future Trust Fund would not be created to reduce and prevent tobacco use or increase funding for healthcare access and treatment for eligible low-income Missourians and Medicaid recipients. And no additional tax would be imposed on tobacco products.

If passed, this measure will increase taxes on tobacco products.

Constitutional Amendment #6—SJR 26

A "yes" vote will amend the Missouri Constitution to include a tax exemption for real and personal property that is used or held exclusively for nonprofit purposes or activities of veterans' organizations.

A "no" vote will not amend the Missouri Constitution to include a tax exemption for real and personal property that is used or held exclusively for nonprofit purposes or activities of veterans' organizations.

The measure, if passed, and if an exemption from taxation is subsequently enacted, will decrease taxes on real and personal property used or held exclusively for nonprofit purposes or activities of veterans' organizations.

Constitutional Amendment #7—HJR 55

A "yes" vote will amend the Missouri Constitution to disqualify any statewide elected official, member of the General Assembly or state judge from receiving any pension from the state of Missouri if such official is convicted of a felony which occurred while in office. These officials will also be disqualified from receiving a pension if they are removed from office for misconduct or after impeachment. These restrictions shall apply after January 1, 2007.

This Proposition further changes provisions relating to the Missouri Citizens' Commission on Compensation for Elected Officials. The Constitution currently provides that every two years, a citizens commission determines the compensation for statewide elected officials, members of the General Assembly, and state judges based on their duties. The purpose of this commission is to ensure that the power to control the rate of compensation of elected officials is retained and exercised by Missouri taxpayers. This Proposition will prevent the General Assembly from changing the commission's recommended compensation schedule for elected officials through the appropriation process. Instead, the General Assembly will only be allowed to disapprove the commission's recommendations by a two-thirds majority vote. Members of the General Assembly cannot receive any compensation increase approved by the Citizens' Commission until January 1, 2009.

A "no" vote would allow payment of a pension from the state of Missouri to any statewide elected official, legislator or state judge who is convicted of a felony occurring while they were in office or who were removed from office for misconduct or following impeachment. The compensation schedule of statewide elected officials, legislators and state judges determined every two years by the Citizens' Commission would continue to be subject to change by the General Assembly through the appropriation process.

This measure will have no impact on taxes.

Proposition B—Minimum Wage

A "yes" vote will amend Missouri statutes to increase the state minimum wage rate to \$6.50 per hour, or to the level of the federal minimum wage, whichever is higher. Every year thereafter, the state minimum wage rate will be adjusted based on changes in the Consumer Price Index.

A "no" vote will not increase or set a state minimum wage rate.

This measure will have no impact on taxes.

Missouri Voter Information

Voting Instructions

- Show one of the forms of acceptable identification (see below) and sign the poll book to obtain your ballot.
- Mark your ballot individually for each candidate you choose
 Missouri no longer allows the "straight party" ticket option.
- If you make an error that you are unable to correct before you cast your ballot, ask an election judge for a new ballot. Your old ballot will be "spoiled" and will not be counted.
- Ask the election judges if you have any questions or concerns.

Acceptable Forms of Voter Identification*

All voters, including first-time voters who registered by mail, will need to show **ONLY ONE** of the following forms of identification:

- Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;
- Identification issued by the United States government or agency thereof;
- Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
- A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter;
- Driver's license or state identification card issued by another state.

If you do not possess any of these forms of identification, you may still cast a ballot if two supervising election judges, one from each major political party, attest they know you.

*Pursuant to Section 115.427, RSMO Supp. 2006

Voting Equipment

Know how to properly use your voting equipment and cast your ballot:

- Ask for a demonstration or assistance from an election judge if you need additional instructions.
- Read the instructions posted in your polling place.
- Second Chance Voting: If you accidentally over-mark your ballot (mark more candidates for a race than to be elected), you will have the opportunity to correct your ballot.

Change of Address

If you moved within this jurisdiction, you must update your registration. If you have not updated it prior to Election Day, you will be directed to your new polling place or a location designated by your election authority where you can update your registration records and vote.

Absentee Voting

You may vote absentee for the following reasons: absence on Election Day; incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability; religious belief or practice; employment as an election authority or an election judge at a location other than your polling place; or incarceration (provided voting rights are retained).

If you registered by mail and are voting absentee the first time you vote, you must provide a copy of acceptable identification with your application for an absentee ballot.

Accessible Voting

Ask for assistance from an election judge if you have any physical disability which hinders your ability to independently vote your ballot. You may cast your ballot on an accessible voting system (i.e. equipped with an audio ballot); request curbside voting; obtain assistance from a person of your choice; or ask for relocation to a more accessible polling location if needed due to a disability.

Protecting Your Right to Vote

Violating election laws can jeopardize your right to vote. The following actions are violations of election laws and are subject to fines and/or imprisonment and/or loss of your right to vote:

- Making or accepting bribes to influence voters to vote either for or against candidates or ballot measures.
- Using threats, violence or force to influence someone's vote.
- Falsifying voter registration information.
- Voting more than one time at any election.
- Electioneering within twenty-five feet from the outside entrance of a polling location.

Provisional Voting

If your name is not on the precinct register (poll book), the following actions may be taken:

- Election judges will call the central election office to verify your registration. If you are at the wrong polling place, you will be directed to the correct location.
- If your registration cannot be confirmed after contacting the central election office, you can vote a provisional ballot, which will only be counted if you are later found to be an eligible voter at that polling place.

Election Facts

- Polling Place Hours Polls are open from 6:00am to 7:00pm on Election Day.
- Primaries August primary elections are for political parties to nominate their general election candidates.
 Missourians don't register by party, but you must choose one party's ballot when voting in a primary, or choose to vote an "issues only" ballot (which will not include ANY candidates).
- **General Elections** General elections are those in which you elect candidates to offices. The general election is held on the first Tuesday after the first Monday in November.
- **Presidential Elections** When you cast a vote for President and Vice-President, you are voting for presidential electors. The electors whose candidates get the most votes go on to cast their electoral votes through the Electoral College, which elects the President and Vice-President.

Make your vote count! Contact your local election authority if you have any questions about voting.

You have the right to expect a free and fair election. If you feel your voting rights have been violated, contact the Office of the Secretary of State at 800-NOW-VOTE.

This poster is in compliance with the Help America Vote Act of 2002 and Section 115.417, RSMo. 2005.

Voter's Bill of Rights

As a registered Missouri voter, you have the right to:

- 1. Cast your ballot free from interference in a private and secret manner unless assistance is requested;
- 2. View written instructions on how to obtain and cast a ballot;
- 3. Ask for and receive further instructions from election judges concerning the manner of voting;
- 4. View a sample ballot in the polling place before voting;
- 5. Cast a vote if you are in line at 7:00pm (closing time at the polls);
- 6. Ask for assistance from an election judge or person of your choice if you have any physical disability which hinders your ability to independently vote your ballot; cast your ballot on an accessible voting system (i.e. equipped with an audio ballot); or request curbside voting or a more accessible polling location if needed;
- 7. Receive another ballot if your ballot is accidentally spoiled or you make an error;
- 8. Vote by provisional ballot if your name is not on the precinct register and the election judges or election authority cannot determine your registration status;
- 9. Vote by absentee ballot as permitted by law;
- 10. Verify that the choices you made on the screen match the attached voter verifiable paper audit trail if you vote on a "touch screen" system and;
- 11. File a grievance with the Secretary of State's office if your rights under the Help America Vote Act, Title III, have been violated.

If you believe your voting rights have been violated, contact the Missouri Office of the Secretary of State at 800-669-8683 or the U.S. Department of Justice at 800-253-3931.

This poster is in compliance with the Help America Vote Act 2002 and Section 115.417, RSMo. (2005).

Missouri Voter ID Requirements

Registered Voters Will Need

ONLY ONE

of the Following Acceptable Forms of Identification to Vote in the November 7th, 2006 General Election:



















ACCEPTABLE FORMS OF IDENTIFICATION:

- Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;
- 2 Identification issued by the United States government or agency thereof;
- 3 Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
- 4 A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter;
- 5 Driver's license or state identification card issued by another state.

If you do not possess any of these forms of identification, you may still cast a ballot if two supervising election judges, one from each major political party, attest they know you.

Don't Forget:

Make a Mark by Each Candidate You're Voting For.

You can no longer use the "straight party" ballot option where one mark allowed you to vote for all of the candidates of one political party.

Now, you must vote for each candidate of your choice *individually*.

Ask a pollworker if you have any questions or need assistance.

Make Your Vote Count!

Electioneering and Posting Signs in Polling Places

Section 115.637(18) RSMo of Missouri State Law prohibits, among other things, electioneering, distributing election literature, and posting signs with respect to any candidate or question to be voted on inside the building in which a polling place is located or within 25 feet of the building's outer door.

Violation of this law is a class 4 Election Offense, punishable by imprisonment of up to one year and/or a fine of up to \$2500.